

Life and Other Basic Rights in Anscombe

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Abstract

Following Elizabeth Anscombe, rights exist within practices. A right consists in a bundle of possible and impossible moves within the relevant social 'game', e.g. the practice of private property. What becomes of basic rights on such a social-constructivist conception?

Metaphysically, basic rights do not differ from other rights. The right not to be murdered, however, enjoys a transcendental status within Anscombe’s moral philosophy, and this construction might extend to other basic rights: Since practical reasoning is directed at the good life, there can be no sound practical inference concluding in murder.

Anscombe’s argument for this presupposes a particular conception of human dignity, which is quite similar to the dominant conception in contemporary human rights literature.

1 Rights As Moves within Social Practices

On my reading, Elizabeth Anscombe holds the following view on rights:¹

Claim 1 A right is a bundle of possible and impossible moves within a social practice. Some of these are moves by the right-holder, some are moves by others.

Claim 2 A social practice is a widely played game that serves a telos. To some extent, this telos fixes the rules of the game. For many such games, participation is not optional.

Let me flag that both claims constitute substantial interpretations. Anscombe nowhere explicitly offers an account of rights; these are a recurring topic in several of her papers.² The above is my attempt to combine her scattered discussions into a coherent and plausible account. This metaethical account can be of interest even to readers who do not share Anscombe’s views within normative ethics.

2 Practice-Internal Modality: Rules

It is easiest to explain the two above claims by means of an example. Imagine, you had a visitor from a culture where private property is unknown, and you had to explain to her what it means to say that the apples on the tree in the next garden *belong to* your neighbor Adam. Your visitor desires to pick these apples; it is easy to climb over the fence between your garden and Adam’s, but nevertheless the visitor *cannot* pick these apples, and you have to explain to her the meaning of this “cannot.”

This leads us to *Claim 1* because you might say: “We cannot pick these apples (*prohibition*) without asking Adam (*permission*).” Or: “If we eat them,

¹For a detailed discussion, please see Katharina Nieswandt, “Anscombe on the Sources of Normativity,” *The Journal of Value Inquiry* 51, no. 1 (2016).

²Most importantly: RRP, SAS and PJ.

Adam could demand that we compensate him (*command*).” Or: “Adam is the only one allowed to pick these (*privilege*).” What you would be doing here is to give an extensional definition of the concept ‘property right’ (or of a certain kind of property right). You would provide a list of statements about possible actions on your/your visitor’s part and on Adam’s part. Anscombe calls these statements “stopping modals” if they express prohibitions and “forcing modals” if they express commands.³ Stopping/forcing modals are usually formulated using modal auxiliary verbs (“must,” “can’t,”...), but we can also use the adjectives “possible” and “necessary.” (E.g., “It is not possible for you to pick these apples” or “It is necessary for you not to pick these apples.”) Following Anscombe, this extensional definition is the only definition one can give of a specific right without already invoking the general concept ‘right’.⁴ What it means for Adam to own these apples just is that others cannot take these apples *and* that others who do take these apples need to compensate Adam *and* that he can pick these apples *and* etc.

This leads us to *Claim 2* because the type of modality invoked here needs explanation. In what sense is it necessary for the visitor not to pick the apples; in what sense is it impossible for her to pick them? As Anscombe points out “in such a case [where] you are told you ‘can’t’ do something you plainly can, as comes out in the fact that you sometimes do.”⁵

If you believe that the prohibitions, commands, privileges etc. around Adam’s apples are justified, then you regard this case as one of *moral* modality. If your modal statements only refer to the social fact that the respective behaviors are officially forbidden, required etc. in your society, then you regard it as *legal* modality. Both, moral and legal modality, fall

³One could think that a third category were necessary to express privileges, “permitting modals.” As Roger Teichmann (*The Philosophy of Elizabeth Anscombe* (Oxford: Oxford University Press, 2008), 97) points out, however, privileges can be defined through negated stopping modals, such as: “It is not the case that Adam mustn’t pick these apples.”

⁴See her rendering of “Hume’s Circle,” RRP, 99–101.

⁵RRP, 101.

into a category that we could name “normative modalities.” Anscombe provides the following illustration: “If I say ‘You can’t wear that!’ and it’s not, for example, that you are too fat to get it on, that’s what I call a stopping modal.”⁶ It is physically possible for you to put on these clothes. What makes it impossible is that these clothes violate some norm. It might be a norm of beauty (*aesthetic* modality). It might also be respect: While you do look fantastic in these clothes, they would be inappropriate for the funeral to which you are going. Other examples of normative modalities are *grammatical* modality and *mathematical* modality.

Normative modality blocks actions in that it makes them incorrect. Physical modality, on the other hand, blocks actions in that it makes them practically impossible. Your visitor cannot pick the apples on the top branches because these are out of reach, and she cannot pick more than five apples in ten seconds if picking one apple takes at least two seconds.

It is at this point of the explanation that we need the concept ‘practice’. For the action to be incorrect means for it to violate some norm. What provides the norm? What endows it with force? Immanuel Kant, e.g., would say that it is a norm of practical reasoning: Your visitor cannot want to pick the apple without violating the norm of consistency for her actions. Anscombe offers a different solution. For her, such a norm is some rule of a widely played game—in this case the property game. Your visitor is physically able to pick the lower-hanging apples but that would be theft; i.e., it would violate the norms either of morality or the local law or both.

In sum, for Anscombe to say that someone has a right is to say that certain actions are (in)correct within a corresponding practice.

3 Practice-Grounding Modality: Goods

I defined a social practice as a widely played game that serves a telos. (Note that this definition is much narrower than many current uses.) We

⁶RRP, 101.

already discussed the example of private property; some other examples are: contractual affairs (such as promising or marriage), elections or money.

Here is not the place for a comprehensive discussion of what a social practice is. I only intend to highlight three features of practices that are relevant to our topic. The telos of the practice often makes it necessary ...

1. ... to have either this or a similar practice.
2. ... for the practice to (not) have certain rules.
3. ... that every member of the relevant group participate in the practice.

It is necessary to have some practice of private property (if it is), e.g., because without it “some good will not be attained or some evil avoided.”⁷ Philippa Foot defends a similar view when she calls the practice of promising an “Aristotelian necessity.”⁸ A prominent historical defender of this kind of view on property is David Hume, who regards this practice (which he calls a “convention”) as a precondition for human beings to live together in larger, more anonymous groups, in other words, to leave the state of nature:

[T]he principal disturbance in society arises from those goods, which we call external, and from their looseness and easy transition from one person to another; [in order to be able to live together, human beings] [...] must seek for a remedy [...]. This can be done after no other manner, than by a convention enter'd into by all the members of the society to bestow stability on the possession of those external goods, and leave every one in the peaceable enjoyment of what he may acquire by his fortune and industry. By this means, every one knows what he

⁷RRP, 100; citing Aristotle, *Meta* 1015a22–23.

⁸Philippa Foot, *Natural Goodness* (Oxford: Oxford University Press, 2001): 15–17 and 43–46.

may safely possess; and the passions are restrain'd in their partial and contradictory motions. [...]It is by that means [that] we maintain society [...].⁹

Various property practices are conceivable that could achieve this aim. This leads us to the second feature of practices, viz. that the practice's telos often makes it necessary for the practice to have certain rules but not others. If, e.g., Hume should be correct in that the telos of the practice of property is to create "stability of possessions" and to "restrain the passions," and that this can be achieved only if everyone is left "in the peaceable enjoyment of what he may acquire by his fortune and industry," then any actual property practice must be evaluated on the basis of whether it fulfills these criteria. To give an example: If *R*, a rule for allocation in property practice *P*, says that everyone gets to keep the proceeds of their personal labor, then *P* could be expected to achieve its telos. If *R* says that the proceeds are largely allocated to the owner of the means of production or to whichever citizen wore the most colorful shirt the previous Tuesday, then *P* cannot achieve its telos.

This ties in with the third above-listed feature, viz. that practices often require all group members to participate. This is certainly true of the practice of private property. If individual group members could exclude themselves, then the participants would not be secure in their belongings.

I began my explanation of the three features of practices with the assumption that it is necessary for human beings to have a practice of property. To what kind of modality am I referring here? It cannot be a practice-internal necessity. I.e., it would not be against the rules of some further practice not to have a practice of property. Therefore, not having this practice is not "incorrect"; it does not violate any rules.

According to Anscombe and Foot, the modality is that of realizing certain goods. If, e.g., it is good to live in larger social groups and, ultimately,

⁹David Hume, *A Treatise of Human Nature*. (Oxford; New York: Oxford University Press, 2000), Sec. 3.2.2, §9.

to form a state, and if Hume is right about the enabling role of property in this, then it is necessary to have the practice of property in order to realize the good of political community.

Following Geach,¹⁰ Anscombe understands “good” to mean either “good as” or “good for.” I.e., it either is good as an individual of a certain kind. To what does “good” refer here? Anscombe’s answer (as well as that of Geach, Foot, Hursthouse and other neo-Aristotelians) is: It refers to the good life for human beings (i.e., to human “well-being” or “flourishing”). Applied to our example of property, philosophers have claimed both: It is good as a human being to live in a political community. We are political animals, so political community is a constitutive aspect of our species-specific flourishing (as Plato and Aristotle claim). And it usually is good for a human being to do so, due to the instrumental advantages of group life (which Hume has in mind when he advocates property).

In sum, to say that a practice is necessary means to say that it is the only way to achieve an important human good. Human nature determines what things constitute important goods for human beings, and thereby it sets the norm for adopting (or rejecting) practices.

4 The Justification of Rights versus Practices

What is the upshot of these general considerations about moves and practices for our topic of rights? *Claim 1*, that a right is a bundle of moves that can be made or blocked within a practice, has important implications for the justification of rights and hence for what rights exist.¹¹

Anscombe applies Wittgenstein’s metaphysical perspective, according to which we must think of normative demands in terms of games and

¹⁰Peter Geach, “Good and Evil,” *Analysis* 17, no. 2 (1956).

¹¹For rights, justification and existence are tied together (Katharina Nieswandt, “Do Rights Exist by Convention or by Nature?,” *Topoi* 35, no. 1 (2016)). If it is not *justified*, e.g., that governments preemptively monitor all citizens, then governments have no right to do so; i.e., then a right of governments to preemptively monitor all citizens does not *exist*.

rules, to the topic of rights. She therefore also draws a "distinction between justifying a practice and justifying a particular action falling under it."¹² To use a stopping modal such as "You can't take these apples!" is to make a move within the property game, according to Anscombe. The justification for this move will consist in an explication of the rules; the justification of the property game as a whole is of no consideration at this point. It would at best be superfluous, but often false to mention it. Let me illustrate this, using our earlier example.¹³

If the visitor demanded a justification of your stopping modal "You can't take these apples," then it would be correct if you replied "Because these apples are Adam's property." What you would be doing here is to supply the "logos" of the stopping modal, as Anscombe calls it. You mention a fact that sounds like an independent reason: Because of the fact that Adam owns these apples, a second fact obtains, viz. that you cannot take them. A closer look reveals, however, that what you do here simply is to provide the umbrella category for the second fact. The fact that the visitor (just like you and like all people except Adam) cannot take these apples is simply one element in the bundle of facts that together constitute Adam's ownership. You essentially say: "You cannot take these apples because *you cannot take these apples*_{property right}." Or: "You cannot take these apples because the rules of a certain practice forbid it and, f.y.i., that practice is private property."¹⁴

As Anscombe points out, this justification is vacuous or circular. (She takes it to spell out "Hume's Circle.") For what you essentially say is "It is impossible for you to take the apples, and the sense in which it is impossible is that it is incorrect, and what 'incorrect' means is that it violates the rules of some game." In other words, you cannot take these apples because the rules forbid it. Nevertheless, Anscombe argues, it is the correct

¹²John Rawls, "Two Concepts of Rules," *Philosophical Review* 64, no. 1 (1955): 3.

¹³For a detailed discussion, please see Katharina Nieswandt, "What Is Conventionalism about Moral Rights and Duties?," *Australasian Journal of Philosophy* 97, no. 1 (2018).

¹⁴See Anscombe on "logoi," esp. RRP, 101–102.

and complete answer. It would be a category mistake to continue at this point with a justification of the game. E.g., it would be false to say: “You cannot take these apples because the rules of the practice of private property forbid it *and* because this practice is necessary in order to enable us to live in larger groups *and* hence you should support this practice,” just as you should support Oxfam. This is most obvious for leisure games: It might be that the justification for playing poker is to win money, but the justification for why you now put out the small bid is that you sit left of the dealer—you would have to make this move even if it lost you money. You cannot reject this duty under which the rules put you by saying: “But look, one plays this game to win money, and this move will lose me money.”¹⁵ The justification of the practice is (usually) of no interest where a justification for an individual move within the practice is demanded.

On my interpretation, Anscombe takes a social-constructivist position on rights and a naturalist position on practices. Human nature necessitates (if it does) that groups of human beings have *some* practice of property, e.g., and it sets the boundaries for which rules are acceptable. Once this practice is in place, individual human beings can have property rights to individual objects, which simply means that certain moves within the practice are open to them but are blocked for others (*privilege*) or that certain corresponding moves are required (*command*) or forbidden (*prohibition*) for others.

5 Two Problems for Social Constructivism

For property rights, this hybrid of social constructivism and Aristotelian naturalism is not implausible. Many readers who do not share Anscombe’s philosophical leanings would still agree that property is a human invention, that it serves important social purposes, that different property practices are appropriate for different societies, and that human nature sets

¹⁵This example is modelled on one once suggested to me by Anselm Müller.

some boundaries here. (If you personally believe that property rights are natural rights, use another example, such as marriage or elections.)

For certain basic rights, however, Anscombe’s hybrid appears less appealing. What social practice is necessary, e.g., in order for me to have a right not to be murdered? In fact, it is common in contemporary human rights literature to define human rights as those rights that do not presuppose any social practices, i.e., as natural rights.¹⁶

Two problems arise for social constructivism about basic rights:

Metaphysical Problem There are rights for which there seems to be no corresponding practice.

Epistemic Problem That these rights exist seems more certain than most things we could mention about a corresponding practice and its justification.

An easy way to avoid these problems would be to sort the relevant moral demands into another category than rights. Perhaps it is incorrect to understand murder as a rights violation? Anscombe, however, explicitly says that there is a right not to be murdered: “[S]omeone who is murdered suffers a great wrong. [...] If someone is wronged, he has a right which is violated.”¹⁷ At the same time, she rejects the very idea of natural rights: “A right is not a natural phenomenon [...]. It is in this respect like a rule and a promise: that ‘natural unintelligibility’ which Hume attributed to promises is found in all three things.”¹⁸

On my reading, Anscombe avoids the above problems because the good protected by the right to life (and perhaps by other rights) plays a transcendental role in her metaethics.

¹⁶In an overview article, John Tasioulas calls this the “orthodox conception” of human rights. (“Are Human Rights Essentially Triggers for Intervention?”, *Philosophy Compass* 4, no. 6 (2009): 938.)

¹⁷MME, 266.

¹⁸SAS, 138; referring to Hume, *Treatise*, Sec. 3.2.1 and 3.2.5.

Before we proceed, it is important to flag that Anscombe defines the right to life very narrowly: “[T]here is not a simple right to life, but rather a right not to be murdered.”¹⁹ This definition excludes a right to be brought into existence (i.e., a deontic analogue of Parfit’s “repugnant conclusion”),²⁰ and it excludes requirements such as that of abolishing all cars, given that cars potentially kill people.

6 Basic Rights

For Anscombe, basic rights are not metaphysically different from other rights. My summary of this will be brief because I have already developed these ideas elsewhere.²¹ Take the following example by Anscombe: the right of parents to tell their children what to do (on certain matters and within certain boundaries) and to not be interfered with in this domain.

“[T]hose who have and carry out the task of bringing up children quite generally perform a necessary task. It cannot be done without the children’s obedience. So those people have a right to such obedience,” Anscombe argues, and outsiders may not prevent them from imposing their decisions.²² In examples like these, we have two kinds of necessity, a “crossing of modals”:²³

1. It is *necessary* that those who have the role of bringing up children tell these children what to do. (*Aristotelian necessity*)
2. “If someone has a role or function which he ‘must’ perform, or anything that he ‘has’ to do, then you ‘cannot’ impede him.”²⁴

¹⁹MME, 266.

²⁰Derek Parfit, *Reasons and Persons* (Oxford: Clarendon Press, 1984), Ch. 17.

²¹Nieswandt, “Do Rights Exist.”

²²SAS, 145.

²³SAS, 144.

²⁴SAS, 144.

3. Therefore, it is *necessary* for you not to impede those who have the role of bringing up children when they tell these children what to do. (*obligation* and corresponding *right*)

There is some good to be obtained or some evil to be averted here (#1), and in conjunction with a version of the principle that ought-implies-can (#2), we deduce the necessity to grant a certain right to some people (#3). Parents, kindergarten teachers etc. perform this necessary task in our society; hence they must be granted the privileges necessary to carry out the task.

One can always raise worries and further questions regarding any argument of this form, such as: Is the task really necessary? Are those tasked with it the best to carry it out? “But in *form* it is sound enough, if I am right about the relation between ‘a right’ and certain modals,” Anscombe concludes.²⁵

This yields the following metaphysical picture: A good to be achieved, such as the upbringing of children, can give rise to rights. This happens in the following way: Human societies can adopt a practice that enables people to realize this good. The shape of this practice can vary significantly for different times and places, but any human society that is to realize the relevant good needs some such practice. For the example of upbringing, contemporary Western societies by default give the necessary privileges to the biological parents and, to a lesser extent, educational professionals. The boundaries of these privileges vary even among Western societies—some allow home-schooling, e.g.; others demand that this part of a child’s upbringing be carried out by professionals. Other societies had and have very different arrangements. Different circumstances (such as the form of the economy, the state of technology, the size of the population etc.) can make different practices appropriate here; i.e., there is considerable room for legitimate diversity. Still, we can objectively judge certain practices to be outside the realm of what is legitimate or to be better than others because the telos to be achieved provides an external norm for their evalu-

²⁵SAS, 145.

ation. We can also criticize societies for making it impossible for its members to realize a certain good if these societies fail to adopt any practice at all to further this good. Thus, one could think that material security in old age is an important good and criticize societies that do not make any provisions for the elderly, such as a pension system.

Anscombe’s view of basic rights can hence be summarized as follows: Certain things are goods for human beings; some of these are basic goods. Goods indirectly give rise to rights in that they make the adoption of certain practices necessary (and preclude that of others), and within these practices, we assign rights. Some of these rights can be summarized under the umbrella term “basic rights” or “human rights,” due to their close connection with goods that are indispensable for human flourishing. But their metaphysical structure is not different from less important and very obviously conventional rights, such as my right to seat B-35 in the theater, for which I purchased the ticket.

7 The Transcendental Role of the Good Life

Epistemically, however, the right to life differs from trivial rights—and the same might be true of other basic rights. While “[t]he prohibition on murder is indeed a great charter of right to all of us, it is the prohibition that comes first and not the right,” Anscombe claims.²⁶

Within Anscombe’s view of practical reasoning, an absolute prohibition must be understood as the exclusion of a sound practical inference. There is no valid pattern of inference and set of true premises available that would conclude in, e.g., the murder of an innocent person.²⁷

Why think that an act of murder can never be the conclusion of a sound practical inference? Anscombe endorses “the great Aristotelian par-

²⁶MME, 266.

²⁷This formulation was suggested to me by Ulf Hlobil.

allel,”²⁸ according to which the aim of practical reasoning is the good, just as the aim of theoretical reasoning is the truth. “[E]very action and rational choice, is thought to aim at some good,” ultimately that of “living well and acting well.”²⁹ Like Aristotle, Anscombe understands this good as the good life (or: “well-being” or “flourishing”) of human individuals.³⁰ To forbid theft, e.g., perhaps even to define it, we need to tell a story like Hume’s, Anscombe believes, which explains what good property rights serve and which thus explains how the practice of property makes human life better. Consider “the character of rational argument to shew that it is wrong to steal, or commit adultery, or that we ought to keep a rule of the road where there is traffic, or a close season for game or fish where stocks must be replenished. The arguments are of the form ‘Obedience to this law is needed for human good.’ The unit whose good the argument seeks is the *human individual*, considered generally.”³¹ To murder someone is the ultimate rejection of this good; it “is to destroy that being which is the point of those [i.e., moral] considerations.”³² A right not to be murdered can be assigned within various social practices—any justified system of law, e.g., would contain it. But it is our knowledge that there can be no sound practical inference concluding in murder which serves to justify the adoption of such practices and hence of the relevant right, not vice versa.

Anscombe, I submit, makes a transcendental argument here: All practical reasoning is directed at the good life; therefore, it is in principle excluded that there could be practically rational (and hence justified) actions

²⁸PI, 157.

²⁹Aristotle, *NE*, 1094a1–2 and 1095a21–22 respectively, transl. by Roger Crisp (Cambridge: Cambridge University Press, 2000).

³⁰Very importantly, the claim that the good life is the “aim” of practical reasoning does not mean that every single action must ultimately be justified by appeal to the good life. It would be false, e.g., to think that the reason why X must keep her promise to Y is the amount of flourishing to be secured for Y or for their shared community. Practice-internal actions, such as the keeping or breaking of a promise, are prime examples of actions that must not be justified by appeal to human flourishing. (See Sec. 4 above.)

³¹MME, 266–267, *emph. added*.

³²MME, 267.

aimed at destroying this life. A necessary precondition for the possibility of there being such a thing as practical rationality is that such rationality aim at the good of the beings in question (us); so it can't conform to practical rationality to destroy such beings.³³ This is why “[t]he prohibition [on murder] is so basic that it is difficult to answer the question as to why murder is intrinsically wrongful.”³⁴

The transcendental argument for the right to life that I reconstructed in the previous paragraphs is modeled on a transcendental argument that Anscombe explicitly makes—for the boundaries of the right of the state to exercise violence. In her paper “On the Source of the Authority of the State,” Anscombe argues that, as for the authority of parents, the source of the state's authority is a necessary task. In the case of the state, there are two such tasks: protection from violence³⁵ and, associated with that, the “administration of justice.”³⁶ A major claim in her paper is that it is surprisingly difficult to define (and in practice to distinguish) between a legitimate state and “a place that was rather smoothly run by the Mafia.”³⁷ There is, however, “one consideration here which has something like the position of absolute zero or the velocity of light in current physics. It cannot possibly be an exercise of civic authority deliberately to kill or mutilate innocent subjects. [...] [Because] authority in the command of violence (which was what we first saw as distinguishing government from a Mafia in control of a place) is based on its performance of *a task which is a general human need*. A way of treating someone which puts him outside the class of those for whom the task is performed puts him outside the class of those subject to the authority.”³⁸ I.e., in the tradition of Augustine and Aquinas,³⁹ Anscombe argues that the privileges of the state—to exercise

³³This formulation was suggested to me by Roger Teichmann.

³⁴MME, 266.

³⁵SAS, 135.

³⁶SAS, 154.

³⁷SAS, 133.

³⁸SAS, 155, *emph. added*.

³⁹For a modern rendering, see Jacques Maritain, *The Rights of Man and Natural Law*

violence, to demand money of its citizens etc.—are justified by its task, and, appealing to Hobbes,⁴⁰ that the main task here is protection. This justification entails that the state loses its privileges if it refuses to fulfill the tasks that ground them. (The same would apply to parents or teachers who do not act for the good of the children they are bringing up.)

Anscombe calls this “consideration zero.”⁴¹ A state that murders innocent citizens thereby annihilates its own authority. Regarding the right to life, I submit, Anscombe makes a similar move. A system of ethics that allows murder of the innocent annihilates that which has to serve as the grounds of all practical reasoning, viz. the good life of the human individual.

There might be more actions for which this holds—consider torture or rape. Murder, however, is the most fundamental and obvious example of an action that can never be part of a good life (or of the exercise of state authority). If we give up the aim of individual human flourishing, Anscombe seems to think, then we give up the framework within which our arguments take place; in other words, we give up our basis for evaluating actions.

8 Alternative Conceptions of the Good

Not everyone would accept Anscombe’s claim that it can never be rational to murder an innocent person. There are at least four alternative conceptions of the good at which practical reasoning is directed. First, one could think that this good ...

Primitive Hedonism ... consists in maximal satisfaction of the agent’s egoistic desires.

(London: Centenary Press, 1944).

⁴⁰SAS, 137; citing *Leviathan*: Ch. 17, §9.

⁴¹SAS, 145.

On this conception, an agent only needs to consider her own individual good life, not that of other people, and this good life is defined in a way that is compatible with being a murderer: Satisfaction of my desires might require that I murder my rich aunt, so murder could easily be rational.

Others think that the aim of practical reasoning is not the good life of each individual at all but...

Consequentialism ... the best possible state of the world, which is determined as an aggregate of the goodness of the lives of individuals.

Totalitarianism ... the good of a political community, which is metaphysically distinct from the aggregate of the goodness of the lives of its members.

Nietzscheanism ... the good life of some superior individuals, whereas the lives of all other individuals are of no consideration.

Let me elaborate on the example of consequentialism. Anscombe famously accused consequentialists of showing “a corrupt mind,”⁴² given that (certain) consequentialists require the murder of the innocent if this saves a greater number. I believe that she intended this accusation in the literal sense of *rumpere*, ‘(to) destroy’, ‘(to) rupture’. The consequentialist tries to prove certain actions as good through a move that gives up the very aim of human action and hence the very standard by which their goodness is measured.

Consequentialists, however, would likely reply that they simply hold a different standard of the goodness of actions. Their criterion is the aggregate of all individual lives, and that might require the sacrifice of some individuals.

⁴²MMP, 40.

9 Anscombe’s Concept of Dignity

Anscombe does not think that the consequentialist aggregation is possible. With Geach, she holds that “best (state of the) world” is not a well-defined term.⁴³ More importantly, however, she seems to believe that such aggregation is incompatible with the idea of human dignity. “[T]o kill an innocent person because it seems a good idea that he should die,”⁴⁴ means “not respecting in [t]his victim the dignity of a human being at all.”⁴⁵ Her view here has some overlap with Kant’s demand to always (also) treat others as ends in themselves and with the standard accusation against consequentialism that it ignores the separateness of persons. The very concept of dignity or of a person, Anscombe seems to think, implies that we regard that being’s flourishing as the source of legitimate demands on us, some of which are absolute. Those who believe in human dignity would hence have to reject any of the above four views.

In this last section, I want to show that Anscombe’s definition of “dignity” is plausible and that, consequently, her transcendental view of the right to life (which might extend to other basic rights) is plausible. Admittedly, adherents of the above four views will not be moved by a successful demonstration that their view is incompatible with human dignity. However, a lot of public discourse today shares Anscombe’s commitment that grave violations of dignity are a non-negotiable reason to rule out actions. Therefore, the justification that Anscombe provides for this commitment can still be of interest to many readers.

Her view is quite similar to a widespread approach in the contemporary human rights literature.⁴⁶ Just as Aristotle holds that the good life

⁴³Geach, “Good and Evil,” 41–42.

⁴⁴MME, 266.

⁴⁵DHB, 68.

⁴⁶E.g., James Griffin’s *On Human Rights* (Oxford; New York: Oxford University Press, 2008). Jeremy Waldron’s “Is Dignity the Foundation of Human Rights?” provides an overview (in: *Philosophical Foundations of Human Rights*, eds. Rowan Cruft, Matthew Liao and Renzo Massimo (Oxford: Oxford University Press, 2015)).

grounds all “action and rational choice,” many contemporary political theorists hold that dignity grounds all human rights catalogues, such as the UN’s *Universal Declaration of Human Rights* (henceforth *UDHR*).⁴⁷ There is no universally accepted definition of “dignity,” but on most conceptions, including the UN’s, respect for dignity entails a strong demand to consider the well-being (or: “good life”) of each human individual for their own sake, independent of this person’s character, their social contributions, social status, wealth or similar considerations.

To give an example: One of the rights prescribed in the *UDHR* is that to education. “Education shall be directed to the full development of the human personality”; it “shall be free” and “be equally accessible to all on the basis of merit.”⁴⁸ This right makes sense if our target is a good life (or at least an equal chance at a good life) for each and every single individual. If our target were maximal economic growth, then it could make more sense to adopt a caste system instead, where some carry out menial tasks and receive no education because all educational resources are shifted to the brightest in each generation. Adopting an educational caste system, however, is out of the question for any serious supporter of the *UDHR*. Why? Because it would seriously neglect the lives of those who were sorted into the lower caste, and concern for each and every individual’s good life was part of what it meant to respect their dignity and hence was the justification for the whole declaration in the first place. The good life of the individual is the reason why education “shall be directed to the

⁴⁷General Assembly, *Universal Declaration of Human Rights*. 217 (III) A. (Paris, 1948). Anscombe would probably have worried about the fact that the addressee of “shall” here and in the formulation of all other demands which the declaration puts forth is left vague. (The declaration’s preamble characterizes the list to follow as “as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.”)

⁴⁸*UDHR*, Art. 26.

full development of the human personality.” We would need to substitute this declaration for an entirely different justificatory framework—a *Universal Declaration of Economic Growth*—in order to make a case for the caste system.

Similarly, Anscombe must think that we need an entirely different system of ethics than the ones within which most people currently argue in order to coherently claim that, for instance, murdering one innocent person to save multiple others is rational. We would need a framework that does not contain the demand to consider each individual’s good life for their own sake. This effectively means that we need a framework that does not draw on dignity, given that, on the common understanding, consideration of the individual’s good life forms an essential part of what it means to respect their dignity.

Anscombe clarifies her conception of dignity only in broad outline. She seems to hold that membership in the human species bestows dignity. She explicitly opposes conceptions such as Peter Singer’s,⁴⁹ which make rights conditional upon actualized abilities and hence deny basic rights to infants, to the severely impaired etc.

It is a mere trick to draw on the weight that this word “person” has [...] if you then go on to explain the word so that it is rather like the word “magnet.” A piece of iron gets magnetised and so *becomes* a magnet; later it may get demagnetised and *stops* being a magnet though it is still the same piece of iron. If indeed you explain the word “person” as meaning someone, e.g., who can talk (has self-consciousness) and lead a social life (have interpersonal relations) you may say that someone can be the same human being but no longer a person.⁵⁰

As Singer’s proposal shows, it is possible to define “dignity” without the

⁴⁹ “All Animals Are Equal,” in *Animal Rights and Human Obligations*, eds. Tom Regan and Peter Singer (Englewood Cliffs, NJ: Prentice Hall, 1989).

⁵⁰MME, 268.

element of unconditional consideration for each individual’s good life: It could be that only the good life of beings who display certain abilities needs consideration. Kantians offer still another alternative; they define “dignity” through the concept of consistency: Since I value valuing in my own person, Christine Korsgaard argues, I must value it in all other persons.⁵¹

Anscombe’s conception of dignity, however, as centrally comprising concern for a good life for each individual, is well-aligned with common conceptions of dignity, such as the conception behind the *UDHR*. If you subscribe to this kind of conception, then you must accept her claim that murdering an innocent person can never be justified.

10 Summary and Evaluation

Anscombe’s metaphysical position on rights is that rights consist in allowed and forbidden moves within a social practice. There can be no right outside of a practice just as there can be no move outside of a game.

The right to life—understood as a right not to be murdered—is not metaphysically different. But there is an epistemic difference: To question this right is to question the point of moral deliberations. The good life of the individual is that at which practical thought is ultimately directed, Anscombe holds, just as theoretical thought is directed at the truth. To give up this orientation hence means to give up practical reasoning.

Anscombe’s construction might imply that the same holds for other basic rights, such as the right not to be tortured or the right not be raped. She did not, however, develop her ideas on basic rights and on human dignity in sufficient detail.

Anscombe regularly draws on the concept ‘dignity’ when she discusses the right to life. Her view of basic rights has structural similarities with the

⁵¹See particularly her *Self-Constitution: Agency, Identity, and Integrity* (Oxford; New York: Oxford University Press, 2009).

currently dominant paradigm of human rights, where the dignity of the human individual is the grounding telos, too. To question whether everyone’s dignity must always be respected is to question this human rights framework (and perhaps the very idea of human rights). The definition of dignity implied in, e.g., the *UN Declaration of Human Rights*, centrally includes that which Anscombe understands by respect for dignity: concern for the good life of each human individual.

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